

Remarks

Reexamination and reconsideration of this application is requested. Claims 1-32 remain in the application. No new claims have been added or canceled.

Applicant believes there is no charge for this response because no new claims have been added.

Response to the 35 U.S.C. §102(e) Rejection

The Office Action rejects claims 1, 5, 7-9, 12-22 and 24-32 under 35 U.S.C. §102(a) as being anticipated by Nomura et al. (US 5,881,299). Applicant respectfully traverses this rejection in view of the remarks that follow.

As is well-established, in order to successfully assert a *prima facie* case of anticipation, the Examiner must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. Therefore, if even one element or limitation is missing from the cited document, the Examiner has not succeeded in making a *prima facie* case.

Applicants begin with claim 1. Claim 1 specifically recites:

"1. In an information device having a CPU, display controller and a display panel, said display panel split logically into sub-panels, an apparatus comprising:

a plurality of segment drivers coupled between said display panel and said display controller, said segment drivers receiving input data from said controller, said segment drivers translating said data into pixels displayable on said display panel; and

a power control block coupled to said CPU and to said segment drivers to disable a first power source which powers down a first set of said segment drivers, said

powering down disabling a first set of sub-panels of said display panel from outputting pixels, said power control block disabling said first power source upon receiving a command from said CPU that said first set of sub-panels are to be powered down, said information device functioning

as one of a cellular communications device and a personal digital assistant, said first set of sub-panels displaying information relevant to said personal digital assistant function, further wherein said display panel includes a second set of sub-panels displaying information relevant to said cellular communications function."

It is respectfully asserted that, as one example, Nomura et al. fails to meet either expressly or inherently a "first set of sub-panels displaying information relevant to said personal digital assistant function."

The Office Action did not provide a prima facie showing of how this feature is anticipated

With respect to claim 1, Applicant would like to kindly point out that although the Office Action did quote the language from claim 1 ("... said first set of sub-panels displaying information relevant to said personal digital assistant function..." Office Action page 3, lines 4-5), the Office Action did not provide any explanation of how this particular feature was anticipated by Nomura et al. Rather the Office Action supplemented the rejection by saying Normura inherently teaches a display filled with personal digital information in area 2 and communication related information in area1. (emphasis added)

The Court of Appeals for the Federal Circuit has made clear what the requirements are for an Examiner to establish that a feature recited in a claim is inherent in a relied upon document. The Court of Appeals for the Federal Circuit

has stated repeatedly, that Inherency "may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *948 F.2d at 1269, 20 USPQ2d at 1749* (quoting *In re Oelrich, 666 F.2d 578, 581, 212 USPQ 323, 326 (CCPA 1981)*).⁷ The Examiner must establish that a feature must necessarily result and be recognized by one skilled in the art.

In addition, a feature may not be inherent if the feature is not consistent with the express teachings of the relied upon document. For example, the Court of Appeals for the Federal Circuit recently reversed an Examiner's rejection that was based in part on inherency. See, *In re Frank S. Glaug*, 2002 U.S. App Lexis 4246 (Fed. Cir. 2002).

In the present case, Applicant would like to point out that Nomura et al. clearly teaches that both portions of a display are used to display information related to a cellular phone. For example, Nomura et al. states at column 5, line 35, that the residual amount of batter power of the personal handy phone system (PHS) is displayed in area 1. In addition, Nomura et al. states at column 5, line 63-64, that display area 2 is used to display information such as a telephone book to be used for initiating a phone call with the PHS. Therefore, the Examiner has not established that the Normura et al. inherently teaches recited features because it has not provided the perquisite showing required by the CAFC to establish inherency. In addition, Applicant respectfully points out that such a showing cannot be made because such a feature cannot be inherent as it is inconsistent with the express teachings of Normura et al.

Accordingly, Applicant respectfully submits that the Office Action did not meet the requirements of a prima facie showing of.

Nomura et al. cannot anticipate this feature

Although the burden to rebut a rejection does not shift to Applicant until a prima facie showing has been established, Applicant would like to point out at least one reason why a prima facie showing cannot be established. In particular, Applicant would like to respectively point out that Nomura et al. does not teach or suggest dividing a display into two areas where one area displays information related to a cellular communications device and the other area displays functions of a personal digital assistant.

Applicant respectfully submits that Nomura et al. clearly teaches that both portions of a display are used to display information related to a cellular phone. Moreover, Nomura et al. does not teach or suggest that any portion of the display is used to display information for a personal digital assistant. For example, Nomura et al. states at column 5, line 35, that the residual amount of batter power of the personal handy phone system (PHS) is displayed in area 1. In addition, Nomura et al. states at column 5, line 63-64, that display area 2 is used to display information such as a telephone book to be used for initiating a phone call with the PHS. Most importantly, the relied upon portions of Nomura et al. do not contain any teaching or suggestion that area 1 or area 2 are used to display information of a personal digital assistant.

Accordingly, Nomura et al. cannot anticipate Applicants' claim 1 since the basis of the rejection is inconsistent with the express teaching of Normura et al. Since claims 2-4 depend from independent claim 1, they are not anticipated for at least the same reason.

Similarly, independent claims 5, 7, 12, and 19 recite, among other things, that a portion of a display is used to display information associated with a personal

digital assistant or a computing module. Further claim 28 recites, among other things, displaying information related to a wireless communication module on one portion of a display and displaying information on a second portion of the display related to a computing platform. These features are neither taught nor suggested by Nomura et al., and thus, Nomura et al cannot anticipate these claims or the claims that depend from them for at least this reason.

Additional arguments to distinguish the cited patent from claims 1-32 could have been made, but it is believed that the foregoing discussion is sufficient to overcome the Examiner's rejection.

Response to the 35 U.S.C. §103(a) Rejection

The Office Action also rejects claims 2-4, 6, 10, 11, and 23 under 35 U.S.C. §103(a) as being unpatentable over Nomura et al. in view of Britz (US 5,414,444) and Imai et al. (Des 377341). Applicant respectfully traverses this rejection in view of the remarks that follow.

1) THE INDEPENDENT CLAIMS INCLUDE LIMITATIONS THAT ARE NOT TAUGHT OR SUGGESTED BY THE COMBINATION OF NOMURA ET AL., BRITZ AND IMAI ET AL.

It is well established that obviousness requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Without conceding the appropriateness of the combination, Applicants respectfully submit that the proposed combination does not meet the requirements of an obvious rejection in that none of the documents teaches or suggests a personal digital assistant function.

Applicant would like to point out that claim 10 recites, among other things, that one portion of a display displays information for a cellular communication device and another portion display information of a personal digital assistant function.

As discussed above, Nomura et al. does not and cannot teach or suggest this feature. Further, Applicant respectfully submits that Britz discloses a personal communicator (see column 2, lines 9-10) and Imai et al. illustrates a portable communication terminal. Moreover neither teaches nor suggests that one portion of a display displays information for a cellular communication device and another portion display information of a personal digital assistant function.

Since each patent, taken separately, is devoid of any teaching or suggestion of the limitations recited in claim 10, the combination must necessarily be devoid of the required teaching or suggestion of all the elements recited in claim 10. Consequently, the combination cannot make Applicant's claim 10 obvious. Since the remaining claims depend from claims that recite limitations that cannot be obvious in view of the combination, these claims are allowable over the cited patents for at least the same reason.

Applicant would like to emphasize that the preceding paragraphs were not intended to attack the documents separately. But instead, Applicant has shown how each is devoid of claimed elements so that, by default, the combination is also devoid of at least some of the features of Applicant's claimed invention.

Conclusion

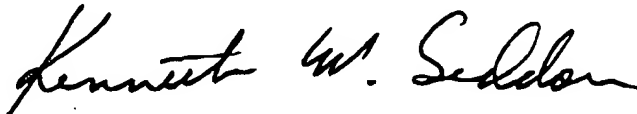
The foregoing is submitted as a full and complete response to the Office Action mailed June 4, 2002, and it is submitted that claims 1-32 are in condition for allowance. Reconsideration of the rejection is requested. Allowance of claims 1-32 is earnestly solicited.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666.

If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (480) 554-9732 is respectfully solicited.

Respectfully submitted,

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